

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, each of claims 1 and 7, which are the only independent claims in the application, has been amended to limit the compounds to those set forth in claim 2, i.e. the compounds of formula (Ia), as a result of which claim 2 has been cancelled.

The claims which were dependent on claim 1 or 2 have been amended to depend only on claim 1, in view of the cancellation of claim 2.

The patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of the claims under 35 U.S.C. 103(a) as being obvious over TenBrink et al. (US '360) is respectfully traversed.

The compounds of the amended claims are non-obvious over TenBrink et al. There is no signpost in this reference which would motivate the skilled person to choose the compounds of the invention, having the specific stereochemistry now claimed in claims 1 and 7, with the expectation that these compounds would have activity as renin inhibitors.

The amended claims are further distinguished from the disclosure of TenBrink et al. in that the reference relates to specific compounds having a different stereochemistry compared to those claimed in amended claims 1 and 7. For instance, Example 8 in columns 157 and 158 of TenBrink et al. shows a compound having the amide and alcohol groups of the main chain (corresponding to "NR³R⁴" and "OH" in formula (Ia) of the present claims) in an "anti" arrangement with respect to each other. In contrast, the compounds of the present invention all have a "syn" arrangement for the NR³R⁴ and OH groups, as shown in formula (Ia).

The skilled person knows that changes in stereochemistry can have a critical effect on the pharmacological activity of a compound. Thus, TenBrink et al. actually teach away from the present invention because the skilled person would consider that the "anti" arrangement disclosed therein is critical for the pharmacological activity of this class of compounds. The finding by the present inventors that the "syn" arrangement displays activity is surprising, and so the amended claims directed to this stereochemistry are non-obvious in view of TenBrink et al.

For these reasons, Applicants take the position that the rejection based on the TenBrink et al. reference should be withdrawn.

Referring to item 5 on page 3 of the Office Action, Applicants again respectfully request that the Examiner hold the provisional obviousness-type-double patenting rejection in abeyance, pending an indication that the claims of the present application are otherwise in condition for allowance.

In item 6, the Examiner objects to the claims as containing non-elected subject matter. Applicants request reconsideration of this objection, especially in view of the current amendments to claims 1 and 7.

Applicants also note that the Examiner's unity objection appears to be based on the view that the claims do not share the same or corresponding special technical features because the structural features relied upon for unity are disclosed in, or rendered obvious by, TenBrink et al. In view of the amendment of claims 1 and 7 relating to the specific stereochemistry shown in claim 2, Applicants submit that the claims now all share the special technical features necessary for unity of invention. As discussed above, the "syn" stereochemistry shown in the amended claims is non-obvious over TenBrink et al., and as such, the amended claims are unified, and the Examiner's suggestion to limit the claims to the elected subject matter has not been adopted.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Peter HEROLD et al.

/Michael R. Davis/
By _____

Digitally signed by /Michael R. Davis/
DN: cn=/Michael R. Davis/, o=WLP, ou=
email=mrdavis@wenderoth.com, c=US
Date: 2010.07.19 13:13:24 -04'00'

Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/lkd
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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